Written Opinion by IPEA(14.6.2006)

International Application No. PCT/JP2004/004912

Box No. V Reasoned statement under Article 12 (PCT Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1, 2, 5-13 YES

Claims NO

Inventive Step (IS)

Claims 1, 2, 5-13 YES

Claims NO

Industrial Applicability (IA)

Claims 1, 2, 5-13 YES

Claims NO

2. Citations and explanations (PCT Rule 70.7)

Citation 1: EP 207059 A1

(KARL BENE & CO. FABRIK FÜR BÜROBEDARF)

December 30, 1986

Citation 2: DE 1179911 B (Fa. Louis Leitz)

October 22, 1964

Citation 3: Microfilm in which the content of the specification and the drawings attached to the application form of Japanese Utility Model Application No. 55-102122 (Japanese Utility Model Application Laid-Open No. 57-24077) are filmed (Tombow Pencil Co.,Ltd.)
February 8, 1982

The invention according to claims 1, 2 and 5 to 13 is not disclosed in any citations cited in the International Search Report and the Written Opinion of the International Preliminary Examination Authority, and it is not obvious for a person having an ordinary skill in the art.

Amendment and Reply based on Article 34 (26.5.2006)

5. Content of Amendment

(1) Incorporate the subject matter of claim 3 to claim 1 on page 16 of the claims and add more detailed recitation concerning the operation of the "switching mechanism".

(2) Delete claim 3 on page 16 of the claims.

(3) Delete claim 4 on page 16 of the claims.

(4) Amend the dependency of claims 5, 6, 9, 10, 12 and 13 on pages 16 to 18 of the claims, in conformity with the above deletion of claims 3 and 4.

6. List of Annexed Sheets

(1) Claims, Pages 16, 17 and 18

Claims:

1. (Amended) A binder for a document or the like comprising:

a base portion;

a ring provided on said base portion that can change in its position between a closed ring position for binding a document or the like and an open ring position in which the closed ring is partly opened to allow filing of a document or the like; and

a switching mechanism provided on said base portion for switching between said closed ring position and said open ring position,

wherein said ring comprises a first ring member and a second ring member, the closed ring position being achieved when their ends are in contact with each other and the open ring position being achieved when their ends are spaced apart from each other, and

said switching mechanism includes a switching lever swingably attached to said base portion, and when the switching lever is swung from a state in which said ring is in the closed ring position, the first ring member and the second ring member move away from each other simultaneously whereby an open portion is formed above a central portion, with respect to the shorter side direction, of the base portion, and the switching lever passes through the open portion to come to a retracted state.

2. A binder for a document or the like according to claim 1, wherein said ring comprises a plurality of rings arranged along an longitudinal direction of said base portion with a spacing therebetween, and said switching mechanism is adapted in such a way that when each of said rings is in the open ring position, the switching lever can pass through an open portion of each ring.

3. (Canceled)

4. (Canceled)

5. (Amended) A binder for a document or the like according to claim 1 or 2, wherein said switching lever has a base end portion hinged to said base portion and a free end to be operated, said base end portion being provided with a cam portion for adjusting the degree of opening of each of said rings in accordance with the swing position of the free end.

6. (Amended) A binder for a document or the like according to any one of claims 1, 2 and 5, wherein said base portion has a base body made of a metal plate, a cover portion that rises from the base body in such a way as to cover a central portion of the base body and a bearing portion provided on the cover portion, said

bearing portion constituting a part of a hinge of said switching lever.

7. A binder for a document or the like according to claim 1, wherein said switching mechanism has two support members arranged side by side on said base portion, each of the support members can be inclined in a sideways direction perpendicular to the longitudinal direction of the base portion, said first ring member is supported on one of the support members, said second ring member is supported on the other of the support members, and between at least one of said support members and the base portion is provided an elastic member that biases the support member in such a direction as to cause the ends of the ring members to move away from each other.

8. A binder for a document or the like according to claim 7, wherein said support members are constructed in the form of strip-like members made of metal plates having respective one side edge portions and the other side edge portions, one side edge portion of each of the support members is hinged to said base portion, the other side edge portions of the support portions partly overlap each other on the base portion, and said elastic member is provided at least between one of the support members and the base portion.

9. (Amended) A binder for a document or the like according to any one of claims 1, 2 and 5, wherein said ring comprises two rings arranged along an longitudinal direction of said base portion with a spacing therebetween; among first ring members and second ring members constituting the two rings, each of the first ring member pair and the second ring member pair is formed by bending a single metal wire; a connecting portion between the first ring members and a connecting portion between the second ring members respectively have press portions arranged close to and parallel to each other in the central region of the base body and support portions serving as pivots of the first ring members and the second ring members; each support portion is supported in a rotatable manner relative to said base body; and said press portion is pressed by a cam portion of said switching lever.

10. (Amended) A binder for a document or the like according to any one of claims 1, 2, 5 and 9, wherein said base portion has a base body made of a metal plate and a bearing portion provided on a central portion of the base body, said bearing member has a bottom plate and two standing tabs opposed to each other that rise from the bottom plate, a base end portion of said switching lever is hinged to both the

standing tabs, and said press portion is disposed between said standing tabs.

11. A binder for a document or the like according to claim 9 or 10, wherein an abutment plate that is movable along the press portion is provided between said press portion and said cam portion, and teeth engaging each other are provided on a surface of the abutment plate and a circumferential surface of said cam portion.

12. (Amended) A binder for a document or the like according to any one of claims 1, 2 and 5 to 11, wherein when said ring is in the open ring position, said switching lever passes through the open portion of the ring and comes to a position opposite to the position of the switching lever at the time when the ring is in the closed position with respect to the ring in between.

13. (Amended) A binder for a document or the like according to any one of claims 1, 2 and 5 to 11, wherein said ring comprises a plurality of rings arranged along a longitudinal direction of said base portion with a spacing therebetween, and said switching lever assumes a closed ring position keeping state for keeping said plurality of rings in the closed ring

position at a position outside the rings and assumes, after passing through the open portion of the rings when the rings are in the open ring position, a retracted state in which it is retracted to a position outside the plurality of rings that is opposite to the position of the switching lever in said closed ring keeping state with respect to said plurality of rings in between.

5. Content of Reply

(1) We respectfully present the following arguments based on the amendments made by the Written Amendment filed on the same date as this Written Reply.

By the above mentioned Written Amendment, claim 1 has been amended as follows.

"1. A binder for a document or the like comprising:

a base portion;

a ring provided on said base portion that can change in its position between a closed ring position for binding a document or the like and an open ring position in which the closed ring is partly opened to allow filing of a document or the like; and

a switching mechanism provided on said base portion for switching between said closed ring position and said open ring position,

wherein said ring comprises a first ring member and a second ring member, the closed ring position being achieved when their ends are in contact with each other and the open ring position being achieved when their ends are spaced apart from each other, and

said switching mechanism includes a switching lever swingably attached to said base portion, and when the switching lever is swung from a state in which said ring is in the closed ring position, the first ring member and the second ring member move away from each

other simultaneously whereby an open portion is formed above a central portion, with respect to the shorter side direction, of the base portion, and the switching lever passes through the open portion to come to a retracted state."

The underlines have been added to indicate the portions that were changed by the amendment.

An explanation will be made on the above amendment made to claim 1. By this amendment, the recitation "said ring comprises a first ring member and a second ring member, the closed ring position being achieved when their ends are in contact with each other and the open ring position being achieved when their ends are spaced apart from each other", which is the subject matter of claim 3, has been added. The amendment in regard to this recitation does not introduce new matter, accordingly. In addition, to recite the operation of the "switching mechanism" more specifically, the recitation has been changed by the amendment into "when the switching lever is swung from a state in which said ring is in the closed ring position, the first ring member and the second ring member move away from each other simultaneously whereby an open portion is formed above a central portion, with respect to the shorter side direction, of the base portion, and the switching lever passes through the open portion to come to a retracted state". This recitation partly includes the

subject matter of claim 4, and was made based on the descriptions in page 8, lines 12 to 27 and page 10, lines 7 to 22 of the specification. Therefore, this amendment is obvious from the specification etc. as filed, and it does not introduce new matter.

Claims 5, 6, 9, 10, 12 and 13 have been amended to change the claims from which they depend, in conformity with the deletion of claims 3 and 4. These amendments do not introduce new matter, accordingly.

(2) Here, an explanation on the citations cited in the Written Opinion of the International Preliminary Examination Authority dated March 28, 2006 (mailing date) will be made.

(Citation 1) EP 207059 A1

The filing date, the priority date and the publication date of citation 1 are June 3, 1986, July 3, 1985 and March 29, 1989 respectively.

The object of the invention disclosed in citation 1 is to make it possible to transfer, in the state in which a binder is in the open position, sheets held by fixed pins to movable pins without once returning the binder to the closed position.

To achieve the object, according to the invention disclosed in citation 1, the opening lever is moved to three positions, namely, a closing position, an

intermediate opening position and a final position (fully opening position). In the closing position, the fixed pins and the movable pins are in the coupled state. In this state, a torque is applied on the opening lever, and therefore the state of the closing position is maintained stably. The intermediate opening position is a stable position of the opening lever that is attained by swinging the opening lever to bring two rolls in contact with an operational bar. In this intermediate opening position, the opening lever is in a space between the movable pins and the fixed pins. The opening lever is further swung from the intermediate opening position through the space between the movable pins and the fixed pins to come to the fully opening position.

Citation 1 teaches that in this fully opening position, it is important in order to make it possible to insert/remove sheets into/from both the movable pins and the fixed pins that the opening lever has been swung enough to a position at which its end extends from the space defined by the movable pins and the fixed pins as with the closing position, namely the opening lever is in a position symmetrical to the closing position with respect to its pivot point.

In addition, it teaches that to attain the intermediate opening position, desired types of stoppers, triangular plastic parts with round corners

can be effectively used in addition to the two rollers.

(Citation 2) DE 1179911 B

The filing date of citation 2 is August 22, 1955 and the registration date thereof is October 22, 1964.

Citation 2 discloses a binder for a document or the like having a base portion, a ring that is composed of first and second ring members and can change its position between a closed ring position and an open ring position and a switching mechanism for switching between the closed ring position and the open ring position. In the binder disclosed in citation 2, each of a first ring member and a second ring member is produced by bending a single metal wire, and the binder is provided with members corresponding to the press portion, the support portion, the cam portion, the bearing portion and the standing tab etc..

Referring to Figs. 1 to 6 of citation 2, the closed ring position and the open ring position of the first ring member and the second ring member are specifically illustrated. When the opening lever is in the state shown in Fig. 2, the closed ring position is attained by the first and second ring members as shown in Fig. 1. When the contact of the cam portion and the first and second ring members is released by a little swinging of the opening lever from the state shown in

Fig. 2 (see Fig. 4), a spring member provided below the first and second ring members causes the first ring member and the second ring member to separate from each other, whereby an open portion is formed therebetween (see Fig. 3). In this process, the opening lever changes its state a little from the state shown in Fig. 2, and no description is found about passing of the opening lever through the open portion formed between the first ring member and the second ring member or situation of the opening lever between them.

(3) The Written Opinion of the International Preliminary Examination Authority of March 28, 2006 states as follows.

"Citation 1 (EP 207059 A1) discloses a binder for a document or the like that has a base portion, a ring and a switching mechanism and in which a switching lever of the switching mechanism is adapted to be able to pass through an open portion of the ring when the ring is in the open ring position (see Figs. 1, 2 and 3). Therefore the invention as recited in claim 1 does not have novelty nor an inventive step."

The characterizing feature of the binder according to claim 1 is that in the course of the movement of the switching lever from the closing position to the fully opening position, both the first ring member and the second ring member that constitute the ring are swung

in directions away from each other while linked with the swinging of the switching lever. This enables to ensure a wider open portion formed between the first ring member and the second ring member and allows the switching lever to come to the fully opening position without colliding with the first ring member and the second ring member.

What should be noted in the amended claim 1 is the recitation "when the switching lever is swung from a state in which said ring is in the closed ring position, the first ring member and the second ring member move away from each other simultaneously whereby an open portion is formed above a central portion, with respect to the shorter side direction, of the base portion, and the switching lever passes through the open portion to come to a retracted state". By this amendment, it has been made clear that the first ring member and the second ring member move away from each other simultaneously, whereby the open portion through which the switching lever pass is formed.

As stated above, we admit that citation 1 discloses the technical idea that the switching lever is adapted to pass through the open portion formed between the first ring member and the second ring member. However, in the arrangement disclosed in citation 1, what is interlocked with the swinging of the switching lever is only one of the first ring

member and the second ring member. Consequently, in order for the switching lever to pass through the open portion, it is necessary that for example the first ring member moves away from the second ring member relatively largely. In contrast, in the binder according to amended claim 1, since the first ring member and the second ring member move away from each other simultaneously, the movement amounts of the respective ring members are summed up to provide the open portion that allows the switching lever to pass through more reliably.

Furthermore, in the binder disclosed in citation 1, the fixed ring members extend substantially straightly from the cover member, while the movable ring members are greatly curved. In other words, the technology disclosed therein is directed to a binder having a first ring member(s) and a second ring member(s) that are asymmetrical. One of the technical ideas of the invention disclosed in citation 1 is the intermediate opening position of the switching lever. In this document, there is a description to the effect that by intentionally placing the switching lever in this intermediate opening position, insertion/removal of a document or the like into/from the fixed ring members is made possible, though insertion/removal of a document or the like into/from the movable ring members is impossible.

To make use of the aforementioned intermediate opening position as a switching lever position that is effective in allowing insertion/removal of a document, it is necessary to construct either one of the first ring member and the second ring member as a straight member, and it is considered that there is no need to positively move the straight ring member while interlocking the movement with the swing operation of the switching lever. This may be evidenced by the fact that this document does not refers to this point. Furthermore, in the case where both the first ring member and the second ring member are constructed as movable rings and adapted to form an open portion above the central portion with respect to the shorter side direction of the base member as is the case with the arrangement of the invention according to amended claim 1, the purpose of the intermediate opening position of the switching lever intended in the invention disclosed in citation 1 is difficult to be achieved. Therefore, it cannot be said that the invention according to the amended claim 1 can be easily made based on citation 1, in which the disclosure of its invention is made with the assumption of utilization of the intermediate opening position, we believe.

To construct both the ring members as movable ring members and to interlock them with the swinging of the switching lever, an inventive design of the cam portion

provided on the switching lever is needed accordingly. However, citation 1 discloses nothing about a concrete technique for moving both the ring members relative to each other.

Citation 2 discloses that when the switching lever is in the state shown in Fig. 4, the ring constituted by the first ring member and the second ring member is in the state shown in Fig. 3 in which both the ring members are separated outwardly. However, the ring members are separated outwardly only by an elastic force of a spring member when constraint on both the ring members is removed upon swinging of the switching lever. The switching lever and both the ring members are not constructed in such a way as to move in an interlocked manner after the constraint on the ring members applied by the switching lever is removed, and technical idea of allowing the switching lever to pass through the open portion formed between both the ring members is not found in citation 2 accordingly. Therefore, we believe that citation 2 does not disclose the technical idea concerning the separating movement of the first ring member and the second ring member interlocked with the swinging of the switching lever.

As per the above, we believe that the invention as recited in claim 1 has novelty and an inventive step. We also believe that the invention as recited in the other claims that depend from claim 1 have novelty and

an inventive step for the same reason.

Written Opinion by IPEA (28.3.2006)

International Application No. PCT/JP2004/004912

Box No. V Reasoned statement under Article 13 (PCT Rule 66.2(a)(ii)) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 6-11	YES
Claims 1-5, 12, 13	NO

Inventive Step (IS)

Claims 6-8, 11	YES
Claims 1-5, 9, 10, 12, 13	NO

Industrial Applicability (IA)

Claims 1-13	YES
Claims	NO

2. Citations and explanations (PCT Rule 70.7)

Citation 1: EP 207059 A1

(KARL BENE & CO. FABRIK FÜR BÜROBEDARF)

December 30, 1986

Citation 2: DE 1179911 B (Fa. Louis Leitz)

October 22, 1964

Claims 1-5, 12 and 13

Citation 1

Citation 1 discloses a binder for a document or the like that has a base portion, a ring and a switching mechanism and is adapted in such a way that a switching lever of the switching mechanism is able to pass through an open portion of the ring when the ring is in the open ring position (see Figs. 1, 2 and 3).

Therefore, the invention as recited in claims 1-5, 12, 13 does not have novelty nor an inventive step.

Claims 9 and 10

Citation 1 and 2

Citation 2 discloses a binder for a document or the like having a base portion, a ring that can change its position between a closed ring position and an open ring position and a switching mechanism for switching between the closed ring position and the open ring position. In the binder disclosed in citation 2, each of a first ring member and a second ring member is produced by bending a single metal wire, and the binder is provided with members corresponding to the press portion, the support portion, the cam portion, the bearing member and the standing tab etc..

Therefore, the invention as recited in claims 9 and 10 does not have an inventive step.

The invention according to claims 6-8 and 11 is not disclosed in any citations cited in the International Search Report and this Written Opinion, and it is not obvious for a person having an ordinary skill in the art.

Amendment and Reply based on Article 34 (03.2.2006)

Amendment

11. A binder for a document or the like according to claim 9 or 10, wherein an abutment plate that is movable along the press portion is provided between said press portion and said cam portion, and teeth engaging each other are provided on a surface of the abutment plate and a circumferential surface of said cam portion.

12. (Added) A binder for a document or the like according to any one of claims 1 to 11, wherein when said ring is in the open ring position, said switching lever passes through the open portion of the ring and comes to a position opposite to the position of the switching lever at the time when the ring is in the closed position with respect to the ring in between.

13. (Added) A binder for a document or the like according to any one of claims 1 to 11, wherein said ring comprises a plurality of rings arranged along a longitudinal direction of said base portion with a spacing therebetween, and said switching lever assumes a closed ring position keeping state for keeping said plurality of rings in the closed ring position at a

position outside the rings and assumes, after passing through the open portion of the rings when the rings are in the open ring position, a retracted state in which it is retracted to a position outside the plurality of rings that is opposite to the position of the switching lever in said closed ring keeping state with respect to said plurality of rings in between.

5. Content of Reply

(1) The PCT Written Opinion of July 6, 2004 (mailing date) alleges that the invention as recited in claims 1 and 2 does not have an inventive step since Citation 1 discloses a binder for a document or the like having a base portion, a ring that can change the position between a closed ring position and an open ring position and a switching mechanism for switching between the closed ring position and the open ring position, and Citation 2 also discloses a binder having similar base portion ring and switching mechanism, and a switching lever in the switching mechanism thereof is deemed to be able to pass through an open portion of the ring.

We respectfully present the following arguments in reply to the statement.

The invention recited in claims 1 and 2 is characterized in that in a binder for a document or the like having a base portion, a ring provided on the base portion that can change in its position between a closed ring position and an open ring position and a switching mechanism for switching between the closed ring position and the open ring position, a switching lever is adapted in such a way that when the ring is in the open ring position, it can pass through an open portion of the ring. With this characterizing feature, when inserting or removing a document or the like to be

filed in the binder, it is possible to prevent the switching lever from interfering with the document to be inserted or removed to obstruct the inserting or removing operations by moving the switching lever through the open portion of the ring to a position as far from the ring as possible. This is clearly described in page 3 of the specification as filed. As per the above, the invention recited in claims 1 and 2 has been made based on the technical idea of preventing the interference between the switching lever and the document or the like to be inserted or removed by considering the relative relationship between the position of the switching lever and the open portion of the ring.

We admit that the binders for a document or the like disclosed in citation 1 and citation 2 have a base portion, a ring that can change in its position between the closed ring position and the open ring position and a switching mechanism for switching between the closed ring position and the open ring position. However, in the binder of a document or the like disclosed in citation 2, when the ring is brought to the closed ring position to hold a document in the ring, the switching lever is in a substantially horizontally laid state as illustrated in solid lines in Figs. 1 and 2. On the other hand, when the ring is brought to the open ring position for allowing insertion or removal of a

document, the switching lever is in an obliquely standing state as illustrated in chain double-dashed lines in Figs. 1 and 2. As will be apparent from close examination of these drawings, in this obliquely standing state, the switching lever is in contact with or nearly in contact with the left ring in Fig. 1. The specification of citation 1 also describes nothing about the relative relationship between the position of the switching lever and the open portion of the ring at the time when the ring is in the open ring position. Therefore, in the binder for a document disclosed in citation 2, no consideration has been given to the relative relationship between the position of the switching lever and the open portion of the ring, and it is difficult to find in it the technical idea the invention as recited in claims 1 and 2 has.

As per the above, the invention as recited in claims 1 and 2 is not obvious from citation 1 and citation 2 and has an inventive step, we believe. We also believe that the invention as recited in claims 3 to 5, 9 and 10 that are dependent from claim 1 has an inventive step for the same reason.

(2) Claims 12 and 13 have been added by an Amendment filed on the same date. These amendment have been made based on the descriptions in page 3, lines 1 to 12 and page 11, line 4 from the bottom to page 12, line 12 of the specification of the present application,

and they do not extend beyond the content of the international application as filed.

Claim 12 clearly recites that when the ring is in the open ring position, the ring is moved through the open portion of the ring to the opposite position with respect to the ring in between. With this feature, it is possible to bring the switching lever to a position at which it is prevented from interfering with a document or the like when the ring is in the open ring position for allowing insertion/removal of the document or the like into/from the ring.

Claim 13 clearly recites that in the case where a plurality of rings are provided in the binder, the switching lever assumes two positions, namely the closed ring position keeping state for keeping the plurality of rings in the closed ring position to holds a document or the like in the rings and the retracted state for keeping the ring in the open ring state to allow insertion and removal of a document or the like while preventing interference with the document or the like. Switching between the closed ring keeping state and the retracted state can be done by causing the switching lever to pass the open portion of the rings. It also expresses the above-described technical idea of the binder for a document or the like according to the present invention.

As per the above, the invention according to

claims 12 and 13 is not obvious from citation 1 and citation 2 and has an inventive step, we believe.

Written Opinion by ISA(06.7.2004)

International Application No. PCT/JP2004/004912

Box No. V Reasoned statement under PCT 43 bis 2.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-11 YES

Claims NO

Inventive Step (IS)

Claims 6-8, 11 YES

Claims 1-5, 9, 10 NO

Industrial Applicability (IA)

Claims 1-11 YES

Claims NO

2. Citations and explanations

Citation 1: DE 1179911 B (Fa. Louis Leitz)
October 22, 1964

Citation 2: Microfilm in which the content of the specification and the drawings attached to the

application form of Japanese Utility Model Application No. 55-102122 (Japanese Utility Model Application Laid-Open No. 57-24077) are filmed (Tombow Pencil Co.,Ltd.)
February 8, 1982

Claims 1 and 2

Citations 1 and 2 listed above

Citation 1 discloses a binder for a document or the like having a base portion, a ring that can change the position between a closed ring position and an open ring position and a switching mechanism for switching between the closed ring position and the open ring position.

Citation 2 also discloses a binder having similar base portion, ring and switching mechanism, and a switching lever in the switching mechanism is deemed to be able to pass through an open portion of the ring when the ring is in the open ring position.

Therefore, the invention as recited in claims 1 and 2 does not have an inventive step.

Claims 3 to 5

The binder described in Citation 1 has a first ring member and a second ring member that assume a closed ring position when their ends are in contact with each, and the switching mechanism has a base end

portion, a free end and a cam portion etc.

Arranging the open portion of the ring in the central region with respect to the shorter side of the base is a design choice that a person have an ordinary skill in the art will fitly make.

Therefore, the invention as recited in claims 3 to 5 does not have an inventive step.

Claims 9 and 10

In the binder disclosed in Citation 1, the first ring members and the second ring members are respectively produced by bending metal wires, and it also has members corresponding to the press portion, support portion, cam portion, bearing member and standing tab etc.

Therefore, the invention as recited in claims 9 and 10 does not have an inventive step.

The invention according to claims 6-8 and 11 is not disclosed in any citation cited in the International Search Report, and it is not obvious for a person having an ordinary skill in the art.